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AUG 29 2005

Docket No. 506.40278X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:  
Y. KATO, et al. : Group Art Unit: 1651  
Serial No. 09/869,049 : Examiner: Kallash C. Srivastava  
Filed: June 22, 2001 : Confirm. No.: 1134  
For: PHARMACEUTICAL PREPARATIONS

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS

Mail Stop: APPEALS - FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 29, 2005

Sir:

In accordance with the provisions of 37 CFR 41.31, applicants hereby appeal from the rejection of claims 1-5, 9, 13, 17, 21, 23 and 61-80 as set forth in the Official Action mailed February 28, 2005.

Noting that the claims of the above-identified application have been at least twice rejected, present filing of this Notice of Appeal is clearly proper. See 35 USC 134(a).

A Petition for three (3) month extension of time, and the requisite fee, is enclosed herewith.

Also enclosed is a credit card payment form, Form PTO-2038, authorizing the additional amount of \$500.00 to be paid for the requisite Appeal Fee.

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Respectfully Submitted,

ANTONELLI, TERRY, STOUT &amp; KRAUS, LLP

By



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